

March 25, 2008 Jefferson County

RECEIVED

MAR 25 2008  
JEFFERSON COUNTY  
CIRCUIT COURT

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

JOSETTA GLADNEY, CHERYL WILFONG,  
RUTH JOHNSON, AMY CAWTHORN,  
and DAVID McCAULEY,  
individually and as class members,

Plaintiffs,

V.

CIVIL ACTION NO.: 08-C-1116

AB&C GROUP, INC., a corporation,  
RELIANT EQUITY INVESTORS, LLC., a limited  
liability company, BLUESKY BRANDS, INC., a  
corporation, ROBERT PULCIANI, PHILIP WAX,  
CHRISTOPHER STEVENS, CARR PRESTON,  
QIAN ELMORE, THOMAS DARDEN, JR., LARRY  
MORGAN, CATHY JO VAN PELT, and  
KIMBERLY MYERS,

Defendants.

## COMPLAINT

1. Plaintiffs are residents of the State of West Virginia.

2. On information and belief,

(a) defendant AB&C Group, Inc. ("AB&C") is a corporation incorporated under the laws of the commonwealth of Virginia.

(b) defendant Reliant Equity Investors, L.L.C. ("Reliant") is a limited liability company incorporated under the laws of the State of Delaware.

(c) defendant BlueSky Brands, Inc. ("BlueSky") is a corporation incorporated under the laws of the state of Delaware.

(d) defendants Robert Pulciani, Philip Wax, Christopher Stevens, Carr Preston, Qian Elmore, Thomas Darden Jr., Larry Morgan, Cathy Jo Van Pelt and Kimberley Myers, are managerial employees and/or officers of defendants AB&C, Reliant, and BlueSky. All or some of these defendants are believed to be residents of West Virginia.

3. On information and belief, defendants AB&C, Reliant and BlueSky ("defendant



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corporations") were the employers of the plaintiffs at its business premises and operations in Jefferson and Berkeley Counties, West Virginia.

4. AB&C is the alter ego of BlueSky and Reliant..

5. On information and belief, defendants Pulciani, Wax, Stevens, Preston, Elmore, Darden, Morgan and Myers were managerial and administrative employees of defendants AB&C, Reliant and BlueSky. Plaintiffs further believe that some of these defendants were officers of the defendant corporations.

6. Through March 14, 2008, plaintiffs were employed in West Virginia by the defendant corporations and earned wages and salaries for work and services performed in West Virginia through March 14, 2008.

7. On or about March 14, 2008, plaintiffs' employment was terminated by the defendant corporations.

8. On March 14, plaintiffs were due to them payment for work and services performed prior to March 14, 2008. The regular pay date for the payment of wages was March 14, 2008. Said pay date was for the payment of wages for work performed up to March 8, 2008. Work was performed subsequent to that date for which wages would have been regularly paid on March 28, 2008.

9. Defendant corporations failed and refused to pay the plaintiffs their wages due on March 14, 2008 and those wages due for work performed subsequent to March 14, 2008.

10. Through the date of the filing of this complaint, plaintiffs have not been paid their wages due within seventy-two hours of their date of discharge from employment, in violation of West Virginia Wage Payment and Collection Act, West Virginia Code §§ 21-1-1 et seq.

11. On information and belief, the plaintiffs have personal property on the premises of AB&C and have not been able to retrieve or recover possession of that property.

12. Plaintiffs are due and payable from the defendant corporations wages for leave time hours.

13. On information and belief, plaintiffs claim that the defendant corporations have not paid their federal and state withholding taxes to the proper governments, have not paid their health and life insurance premiums, have not paid garnishments, and not made the contractual payments

March 25, 2008 Jefferson County

to their retirement fund.

14. Plaintiffs believe that some of all of the funds that would have been used to pay plaintiffs' wages and other personnel related expenses were misappropriated by the officers of the defendant corporations. Plaintiffs assert that the defendant corporations and the defendant officers and employees engaged in a fraudulent scheme to deprive the plaintiffs of their wages and benefits due and owing. Plaintiffs are not able at this instance to plead fraud specifically as required by Rule of Civil Procedure 9, but will move to amend this complaint under Rule 15 upon completion of discovery; such discovery is expect to disclose the scope and extent of such fraud.

15. Plaintiffs have suffered emotional distress as a result of the trauma of suddenly not receiving their regularly scheduled wages. Some plaintiffs have suffered severe economic distress and loss due to their inability to make rent, debt and utility payments.

16. On information, plaintiffs believe that some 375 employees of the defendant corporations were owed wages and benefits as of March 14, 2008.

17. Plaintiffs bring this action as a class action under Rule of Civil Procedure 23. The claims of the plaintiffs are typical of all of the claims of the other former employees. Because of the numerosity of affected employees, plaintiffs believe that it is impracticable to join all affected members except in a class action.

#### **Demand for Jury Trial**

18. Plaintiffs demand a trial by jury on all factual issues.

#### **Prayer for Relief**

Plaintiffs pray that the court award the following relief:

(a) That the court pierce the corporate veil of defendants Reliant and BlueSky and find and conclude that all three defendant corporations are liable to the plaintiffs for their losses and damages;

(b) Appoint a commissioner under Rule of Civil Procedure 53 to determine the amount of wages and other payments due and owing to the plaintiffs and also to reconcile the monetary losses suffered by each plaintiff due to non-payment of wages;

(c) That the court order the payment of accrued and unpaid wages in an amount to be

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determined by the commissioner;

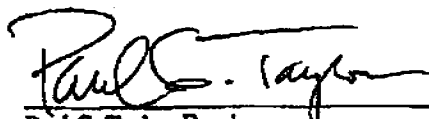
(d) Award monetary damages to the plaintiffs to compensate them for emotional distress suffered by the defendant corporations' misconduct;

(e) Set-aside any preferential transfers of money and property made by the defendant corporations and their officers and employees that maybe found to be the fruits of fraud against the plaintiffs;

(f) Appoint a special receiver under Rule of Civil Procedure 66 and West Virginia Code §§ 53-6-1 et seq. to sequester the West Virginia premises and property of the defendant corporations to secure the assets against further loss and/or misappropriation, and to secure the assets for liquidation of the plaintiffs' claims;

(g) Certify class action status to the plaintiffs and appoint class representatives.

Plaintiffs limit their claim for compensation, damages, costs, expenses and attorney fees to less that \$5,000,000.00 and will urge the court to remit any amounts above \$5,000,000.00 that may be recovered.



Paul G. Taylor, Esquire  
LAW OFFICES OF PAUL G. TAYLOR, PLLC  
WV State Bar No. 5874  
134 West Burke Street  
Martinsburg, WV 25401  
(304) 263-7900  
(304) 263-5545 (fax)

JOSETTA GLADNEY, et al  
By Counsel

March 25, 2008 Jefferson County

From: 804 To: 2630738 Page: 4/20 Date: 4/1/2008 10:38:25 AM

AMBER: 11-7-08

March 25, 2008

Received of PAUL G. TAYLOR

\$145.00

The exact sum of One Hundred Forty Five Dollars and No Cents

Plaintiff: JOSEPH GLADNEY, ET AL. C/O PAUL G. TAYLOR

Defendant: ABLE GROUP, INC. ET AL. C/O CHRISTOPHER E. STEVENS

Payment type: Check Check# 1534

Case number: 08-C-116

Transaction conducted at:

PATRICIA NOLAND, CIRCUIT CLERK

JEFFERSON COUNTY  
CHARLES TOWN WV 25414

Deputy

## DISTRIBUTION OF FUNDS...

4001 CLERK'S FEES - OTHER	20.00	4005 FJA - CIVIL (600-510)	20.00
4008 CSF - CIVIL (600)	2.00	4016 IV CIVIL LEGAL SERV	10.00
4017 CFM (625-FUND) 610-	20.00	4018 FJO PARTIAL REIMBURS	20.00

March 21 2008 Jeff. Co. County

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**CIVIL CASE INFORMATION STATEMENT**  
**CIVIL CASES**  
 (Other than Domestic Relations)

RECEIVED  
 MAR 25 2008  
 JEFFERSON COUNTY  
 CIRCUIT COURT

In the Circuit Court, Jefferson County, West Virginia

**I. CASE STYLE****Plaintiff(s)**Case # 08-C-116Judge: Lina Ford

JOSETTA GLADNEY  
 c/o PAUL G. TAYLOR, ESQUIRE  
 134 WEST BURKE STREET  
 MARTINSBURG, WV 25401

CHERYL WILFONG  
 c/o PAUL G. TAYLOR, ESQUIRE  
 134 WEST BURKE STREET  
 MARTINSBURG, WV 2540

RUTH JOHNSON  
 c/o PAUL G. TAYLOR, ESQUIRE  
 134 WEST BURKE STREET  
 MARTINSBURG, WV 25401

AMY CAWTHORN  
 c/o PAUL G. TAYLOR, ESQUIRE  
 134 WEST BURKE STREET  
 MARTINSBURG, WV 25401

DAVID McCAULEY  
 c/o PAUL G. TAYLOR, ESQUIRE  
 134 WEST BURKE STREET  
 MARTINSBURG, WV 25401

individually and as Class Representatives

vs.

**DEFENDANT(s)****Days to  
Answer****Type of Service**

AB&C GROUP, INC.  
 c/o CHRISTOPHER E. STEVENS  
 1 EXECUTIVE WAY  
 RANSON, WV 25438

30  
 summons & complaint returned to attorney  
 for press 3/25/08 BG  
 ABIC

March 23, 2008 Jefferson County

F10111.004

10, 2008/03

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Date: 4/17/2008 10:00:24 AM

RELIANT EQUITY INVESTORS, LLC  
c/o NATIONAL REGISTERED AGENTS, INC.  
160 GREENTREE DRIVE, SUITE 101  
DOVER, DE 19904

BLUESKY BRANDS, INC.  
c/o CORPORATION SERVICE COMPANY  
2711 CENTERVILLE ROAD, SUITE 400  
WILMINGTON, DE 19808

ROBERT PULCIANI  
89 TOM HARVEY ROAD  
WESTERLY, RI 02891

PHILIP WAX  
89 TOM HARVEY ROAD  
WESTERLY, RI 02891

CHRISTOPHER STEVENS  
1 EXECUTIVE WAY  
RANSON, WV 25438

CARR PRESTON  
401 NORTH MICHIGAN AVENUE, SUITE 550  
CHICAGO, IL 60611

QIAN ELMORE  
401 NORTH MICHIGAN AVENUE, SUITE 550  
CHICAGO, IL 60611

THOMAS DARDEN, JR.  
89 TOM HARVEY ROAD  
WESTERLY, RI 02891

LARRY MORGAN  
8900 WESTPARK DRIVE, SUITE 100  
MCLEAN, VA 22102

CATHY JO VAN PELT  
1 EXECUTIVE WAY  
RANSON, WV 25438

KIMBERLY MYERS  
8400 WESTPARK DRIVE, SUITE 100  
MCLEAN, VA 22102

30 SECRETARY OF STATE

Summs; Compld retrnd to atty  
Rel. Qulity Inv. 3/25/08 20

30 SECRETARY OF STATE

Summs; Compld retrnd to atty  
Bluesky 3/25/08 20

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for  
press R. Pulciani 3/25/08 20

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for  
press P. Wax 3/25/08

20 PRIVATE PROCESS

Summs; Compld retrnd to atty for  
press C. Stevens 3/25/08

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for  
press C. Preston 3/25/08

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for press  
Q. Elmore 3/25/08

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for press  
T. Darden, Jr. 3/25/08 20

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for press  
L. Morgan 3/25/08

20 PRIVATE PROCESS

Summs; Compld retrnd to atty for press  
C. Jo Van Pelt 3/25/08

CERTIFIED MAIL

RETURN RECEIPT REQ.

30 Summs; Compld retrnd to atty for press  
K. Myers

Original and 15 copies of complaint furnished herewith

March 25, 2008 Jefferson County

Form: 304

Id: 2630739

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Date: 4/1/2008 10:36:25 AM

PLAINTIFF(S): Josetta Gladney, Cheryl Wilfong, Ruth Johnson,  
Amy Cawthorn, and David McCanley  
individually and as Class Representatives

CASE NUMBER: 08-C-1116

DEFENDANT(S): AB&C Group, Inc., Reliant Equity Investors, LLC, BlueSky Brands, Inc.,  
Robert Pulciani, Philip Wax, Christopher Stevens, Carr Preston, Qian Elmore,  
Thomas Darden, Jr., Larry Morgan, Cathy Jo Van Pelt, and Kimberly Myers

## TYPE OF CASE:

- |   |  |
|---|--|
| <input type="checkbox"/> General Civil  | <input type="checkbox"/> Adoption  |
| <input type="checkbox"/> Mass Litigation<br>(As defined in T C R Rule XIX(c)) | <input type="checkbox"/> Administrative Agency Appeal                      |
| <input type="checkbox"/> Asbestos   | <input type="checkbox"/> Civil Appeal from Magistrate Court                |
| <input type="checkbox"/> Carpal Tunnel Syndrome                               | <input type="checkbox"/> Miscellaneous Civil Petition                      |
| <input type="checkbox"/> Diet Drug  | <input type="checkbox"/> Mental Hygiene                                    |
| <input type="checkbox"/> Environmental  | <input type="checkbox"/> Guardianship                                      |
| <input type="checkbox"/> Industrial Hearing Loss                              | <input type="checkbox"/> Medical Malpractice                               |
| <input type="checkbox"/> Silicone Implants                                    | <input checked="" type="checkbox"/> W. Va. Wage Payment and Collection Act |
| <input type="checkbox"/> Other: _____   |  |
| <input type="checkbox"/> Habeas Corpus/Other Extraordinary Writ               |  |
| <input type="checkbox"/> Other: _____   |  |

III JURY DEMAND: ☒ Yes ☐ NoCASE WILL BE READY FOR TRIAL BY (Month/Year) April / 2009

IV DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY?

☐ YES ☒ NO

- ☐ Wheelchair accessible hearing room and other facilities  
☐ Interpreter or other auxiliary aid for the hearing impaired  
☐ Reader or other auxiliary aid for the visually impaired  
☐ Spokesperson or other auxiliary aid for the speech impaired  
☐ Other: \_\_\_\_\_

Attorney: Paul G. Taylor  
 Firm: Law Offices of Paul G. Taylor, PLLC  
 Address: 134 W. Burke Street  
 Martinsburg WV 25401  
 Telephone: (304) 263-7900  
 Dated: 3/25/08

Representing:

☒ Plaintiff ☐ Defendant  
☐ Cross-Complainant ☐ Cross-Defendant

Paul G. Taylor  
 Signature

☐ Proceeding Without an Attorney